

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35838 of 2023

Arising Out of PS. Case No.-209 Year-2022 Thana- NAWADA District- Nawada

MD. RIZWAN Son of Md. Ibrahim Resident of village - Jhitakahi, Mdhuwan,
P.S. - Kanti, Distt. - Muzaffarpur

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhuti Ranjan Sonvadra, Advocate
For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-07-2023 Heard the parties.

The petitioner is in custody since 7.8.2022 in connection with Nagar (Nawada) P.S. Case No. 209 of 2022 for the offence punishable under Section 379 of the I.P.C. lodged on 9.3.2022 by the informant Shivshankar Kumar.

The prosecution story, in brief, is that on 9.3.2022, the informant did not find his Scorpio vehicle when he woke up in the morning and hence, the FIR was lodged against unknown.

It has been submitted by the learned counsel for the petitioner although his name came in the confessional statement of co-accused Ayush Kumar but despite being in custody since 7.8.2022 (as stated in para-12 of the bail application), no TIP has been done.

The last submission is that similar situate Dipak



Kumar who is also an accused in this case has since been granted bail vide Cr. Misc. No. 32129 of 2023 on 24.06.2023.

Let the same be kept on record.

Learned APP opposes the prayer stating it is a case of theft of Scorpio.

Considering the submission put forward by the learned counsel for the petitioner as also that no TIP has been done and similar situate namely Dipak Kumar has been released on bail, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Nawada, in connection with Nagar (Nawada) P.S. Case No. 209 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;



(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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